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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,792	10/30/2003	Christopher L. Schwab	65857-0112	8128

10291 7590 05/05/2004

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EXAMINER

NICHOLSON, ERIC K

ART UNIT PAPER NUMBER

3679

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,792

Applicant(s)

SCHWAB, CHRISTOPHER L.

Examiner

Eric K Nicholson

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 12 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____

DETAILED ACTION

Claim Objections

Claims 10 is objected to because of the following informalities: In claim 10, line 7, "the covering layer" lacks proper antecedent basis. It is suggested that "the" be changed to "a". Appropriate correction is required.

Claim Rejections – 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.K. patent 2,071,799 to Elliot. The Elliot hose assembly as shown in fig. 10 includes a nipple assembly having a nipple fastener 8 proximate one end with a nipple 21 extending from the end, the nipple fastener having at least a first thread (unnumbered shown in fig. 10) formed thereon; a socket 9 covering the nipple and having at least a second thread (unnumbered shown in fig. 10) mating with the external thread of the nipple fastener for drawing the socket 9 towards the nipple assembly; a sleeve 14 interposed between the socket 9 and the nipple 21, the sleeve having at least one barb 20 formed on a surface contacting a tube 12 and having a cavity 15 formed to contact an end of the tube. An annular sealing member 16 is positioned in the cavity to contact the nipple and whereby upon rotating the socket 9 relative to the nipple assembly, the sleeve 14 causes the tube 12 to be compressed between the sleeve 14 and the nipple 21 thereby sealing the hose against the nipple assembly. As to claim 5 the seal contacts the end of the tube that fits in the socket. As to claim 6, see sealing element 16 which is a circumferential ring, page 2, line 69.

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 2,833,567 to Bacher et al. in view of U.S. patent 4,875,720 to Sasa et al.. The Bacher et al. coupling discloses the claimed device Which includes a hose having a covering layer 12 over a tube 14, a nipple assembly having a nipple fastener proximate one end with a nipple 24 extending from the end, the nipple fastener having at least a first thread 22 formed thereon; a socket 20 covering the nipple and having at least a second thread 22 mating with the external thread of the nipple fastener for drawing the socket 20 towards the nipple assembly; a sleeve 26 interposed between the socket 20 and the nipple 24,

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the sleeve having at least one barb 42 formed on a surface contacting a tube 14 however the Bacher et al. includes an integral seal member 34 on the end of the sleeve rather than a separate seal in a cavity. Sasa et al. discloses that it is known in the art to provide a similar type coupling, with hose 4, nipple 6, sleeve 10 and socket 8 threaded to body 1 with a seal 6 in a cavity formed at the end of the sleeve 10. It would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the integral seal 34 form on the end of the sleeve 26 of Bacher et al. with the separate seal 6 formed in a cavity in the sleeve such as taught by Sasa et al. in order provide cost savings by allowing the seal to be replaced when wore while not having to replace the entire sleeve by making the seal separable rather than integral as such does not patentably define over the disclosed prior art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Nicholson whose telephone number is (703) 308-0829. The examiner can normally be reached on Tuesdays thru Fridays from 7:30 to 6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola, can be reached on (703) 308-2686. The fax phone number for Technology Center 3600 is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-1113.

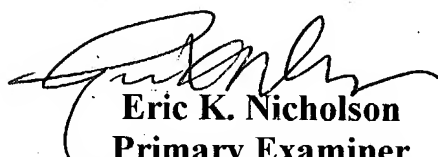
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

ekn

4/30/04



Eric K. Nicholson
Primary Examiner
Technology Center 3600